IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

Writ Petition No. 2058 of 2006

Wagale Smruti Cooperative
Housing Society Ltd. ..Petitioner

vs.

1. Smt.Meena Motilal Kothari
and another ..Respondents.

Shri Anirudha Joshi i/b Mrs.Smita Barve for petitioner
Shri Y.S.Jahagirdar,Sr.Counsel i/b Shri D.R.Shah for respaondents.

CORAM: S.B.MHASE J.
7th April, 2005

P.C.

1. Heard both the learned Counsel.

2. The matter arises from the interim and interlocutory order passed in case No.CC-IV-377 of 2003. This petition has been filed by the original disputant which is the cooperative society. The respondents are admittedly the purchasers of the flat. However, the grievance of the disputant/Bank is that it is the society constructed for residential purpose and the respondents are carrying on a shop for commercial purpose and, therefore, they be prohibited. That application was rejected. Revision filed as against that application was also rejected. Therefore, the present writ petition. Both the courts have consistently recording a finding of facts adverse to the disputant. Therefore, at this stage no interference is called for.

3. However, learned Counsel submitted that the peace and tranquillity of the society is disturbed as a result of the commercial activities carried out by the respondents. Therefore, it will be in the interest of justice to direct the Cooperative Court to dispose of the dispute as early as possible and preferably within a period of six months. Shri Jahagirdar, Sr.Counsel for the respondents has no objection for expeditious disposal of the dispute though he disputes the grounds.

4. In view of this, the Cooperative Court No.IV at Mumbai is hereby directed to dispose of the case no.CC-IV-377 of 2003 as early as possible and preferably within a period of six months from the date of receipt of the order of this Court. The parties are directed to cooperative with the Court for earlier disposal.

(S.B.MHASE J.)